

REMARKS

Claims 1-23 are all the claims pending in the application.

The Examiner failed to initial the Information Disclosure Statement, Form 1449A filed on December 21, 2000. Therefore, Applicant respectfully requests that the Examiner initial the appropriate boxes on the Form 1449A indicating that the documents have been reviewed and return this form to the Applicant in the next office action.

Claims 1-2, 7-8, 12-14, 19-20 and 22-23 stand rejected under 35 U.S.C. § 103(a) and claims 3-6, 9-11, 15-18 and 21 contain allowable subject matter.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-2, 7-8, 12-14, 19-20, and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,483,932 to Martinez et al. (hereinafter "Martinez") in view of U.S. Patent No. 6,650,362 to Nakamura et al. (hereinafter "Nakamura"). Applicant respectfully traverses this rejection and respectfully requests that the Examiner reconsider his rejection in view of the following comments. As claims 1 and 13 are independent, the other rejected claims being dependent, this response focuses initially on claims 1 and 13.

Applicant respectfully submits that the unique combination of features in claim 1 including at least the claimed means for determining a timing for extracting an image is absent from the Martinez and Nakamura references, taken alone or in any conceivable combination. The Examiner acknowledges that Martinez fails to teach or suggest means for determining a

timing as set forth in claim 1. However, the Examiner alleges that Nakamura cures the deficient teachings of Martinez (see pages 2-3 of the Office Action). Applicant respectfully disagrees.

The present invention is consistent with an image pick-up apparatus for picking up a plurality of images being chronologically arranged along time-series, in attempts to determine which image has the highest quality. After the images are picked up, information about changes in gray level value between the picked up images is determined. Based on that information, a timing for extracting an image is determined. An aspect of the present invention is to extract an image of the highest quality by analyzing the chronological change information, a judging criteria (changes in gray level values between the picked up images). In short, the image pick-up apparatus attempts to extract an image of better quality from a number of picked up images.

In general, Nakamura teaches a movement detecting apparatus for detecting an amount of movement of an image by taking in images continuously. The detected amounts of movement are used for correcting blur of the video camera caused by unintentional movement of the hands or for combining the taken-in images (see Field of the Invention; Fig. 5). In other words, Nakamura teaches editing an image to correct the blur or to combine the picked up images. Nakamura does not teach or suggest determining a timing to extract an image based on the changes in gray level value. In short, in Nakamura, an image is edited or modified based on calculated amounts of movement, in order to correct the blur. In Nakamura, an image is not just selected based on judging criteria.

Nakamura teaches picking up images at times T1, T2 and T3 and storing them in memory at predetermined time intervals and in this same time interval, the image is send to a feature point

extracting section 3 to extract feature points of the image (col. 3, lines 15 to 26). However, it is the feature points that are being extracted and not the image. Moreover, in Nakamura, the feature points are extracted for the correlation calculations and not based on judging criteria (changes in grey scale value). In short, Nakamura fails to teach or suggest determining a timing for extracting an image based on the judging criteria.

In sum, Nakamura teaches editing an image to correct a blurring or for combining the picked up images. In short, similar to Martinez which teaches combining the picked up images, Nakamura's image is being edited and not just extracted. In addition, Nakamura only teaches extracting feature points for the correlation calculations and not determining a timing for extracting an image based on the judging criteria as set forth in claim 1.

Therefore, a means for determining a timing for extracting an image as set forth in claim 1 is not suggested or taught by Martinez and Nakamura, taken alone or in any conceivable combination. For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentable over the combined teachings of Martinez and Nakamura. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claim 1. Also, Applicant respectfully submits that claims 2, 7-8 and 12 are allowable at least by virtue of their dependency on claim 1.

In addition, independent claim 13 contains features similar to the features argued above with respect to claim 1. Therefore, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, Applicant submits that claim 13 is patentable over the combined teachings of Martinez and Nakamura. Also, Applicant

Request for Reconsideration Under 37 C.F.R. § 1.111
U.S. Application No.: 09/740,954

Attorney Docket No.: Q62391

respectfully submits that claims 14, 19-20 and 22-23 are allowable at least by virtue of their dependency on claim 13.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 3-6, 9-11, 15-18 and 21 would be allowable if rewritten in the independent form. However, Applicant respectfully holds the rewriting of claims 3-6, 9-11, 15-18 and 21 in abeyance until the arguments presented with respect to independent claims 1 and 13 have been reconsidered.

Conclusion and request for telephone interview

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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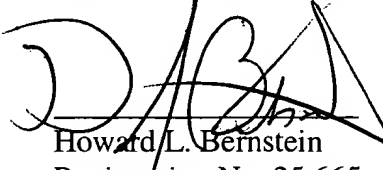
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Respectfully submitted,


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